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Counsel for Defendant THOMAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR-09-379 MHP  
12 Plaintiff, )  
13 v. ) STIPULATION AND [PROPOSED]  
14 KELLY THOMAS ) ORDER TO CONTINUE SENTENCING  
15 Defendant. ) HEARING  
16 )  
17 ) CURRENT HEARING DATE: October 26,  
18 ) 2009, at 9:00 a.m.  
19 )  
20 ) PROPOSED HEARING DATE: December  
21 ) 7, 2009, at 9:00 a.m.

1. On July 27, 2009, Ms. Thomas entered a plea of guilty before the Court. Her sentencing was set for October 26, 2009.

2. On August 18, 2009, defense counsel and Ms. Thomas attempted to meet the probation officer for a scheduled presentence investigation interview. However, the probation officer was unable to attend the meeting, and defense counsel later learned that Ms. Thomas's case had to be reassigned to a different probation officer.

3. Defense counsel was on scheduled leave from August 21, 2009, to September 14, 2009. Thus, the presentence interview in this case did not take place until September 21, 2009.

4. In order to ensure that the probation office has ample time to prepare an accurate

1 report in accordance with the time limits set forth in Fed. R. Crim. P. 32, all parties agree that  
2 there is good cause for a continuance.

3       5. Defense counsel has conferred with both counsel for the government and the  
4 probation officer, and all parties are available for sentencing on December 7, 2009, at 9:00 a.m.  
5

6       IT IS SO STIPULATED.

7       9/22/09

/s/

8       DATED

9       JEFFREY FINIGAN  
10      Assistant United States Attorney

11      9/22/09

/s/

12      DATED

13      RITA BOSWORTH  
14      Assistant Federal Public Defender

15      IT IS SO ORDERED.

16      9/23/2009

17      DATED

